

## Message Text

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PAGE 01 PANAMA 01348 282025Z  
ACTION L-03

INFO OCT-01 ARA-10 ISO-00 CA-01 EB-08 SSO-00 /023 W  
-----066273 282107Z /70

O 281949Z FEB 78  
FM AMEMBASSY PANAMA  
TO SECSTATE WASHDC IMMEDIATE 5888

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DEPARTMENT PASS L/ARA - FORTUNE

E.O. 11652: N/A  
TAGS: EFIN, PN  
SUBJECT: SEC INVESTIGATION OF CANADIAN JAVELIN, LTD.

REF: A. STATE 50365  
B. FORTUNE-HINSON TELECON, 2/28/78

1. PER REFTELCON, FOLLOWING IS TEXT OF THIRD-PERSON  
DIPLOMATIC NOTE SENT TO MINISTRY OF FOREIGN RELATIONS  
BY EMBASSY SUBSEQUENT TO RECEIPT OF STATE 21892.  
NOTE IS EMBASSY'S NUMBER 10 TO MINISTRY, DATED JANUARY  
31, 1978. BEGIN TEXT:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS  
ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN RELATIONS  
OF THE REPUBLIC OF PANAMA AND HAS THE HONOR TO REFER  
TO THE AMBASSADOR'S NOTE NUMBER 172 OF DECEMBER 12, 1977  
TO HIS EXCELLENCY THE MINISTER OF FOREIGN RELATIONS,  
CONCERNING THE PENDING UNITED STATES DISTRICT COURT  
CASE OF SECURITIES AND EXCHANGE COMMISSION V.S.  
CANADIAN JAVELIN, LTD., AND TO THE MINISTRY'S  
SUBSEQUENT TELEPHONIC INQUIRY TO THE EMBASSY AS TO  
WHETHER UNITED STATES LAW WOULD PERMIT THE GOVERNMENT OF  
PANAMA TO REQUEST THAT ONE OF ITS AGENCIES PARTICIPATE  
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IN THE TAKING OF DEPOSITIONS IN THE UNITED STATES.  
THE EMBASSY HAS BEEN ADVISED BY THE DEPARTMENT  
OF STATE THAT UNITED STATES LAW (28 U.S.C. SEC. 1782)  
WOULD PERMIT PANAMANIAN GOVERNMENT OFFICIALS TO TAKE  
DEPOSITIONS IN THE UNITED STATES SO LONG AS THE  
DEPOSITIONS WERE TAKEN IN CONNECTION WITH A JUDICIAL  
PROCEEDING AS OPPOSED TO A GOVERNMENTAL INVESTIGATION.

THUS, IF THE POSITION OF THE TWO COUNTRIES WERE  
REVERSED WITH RESPECT TO A JUDICIAL PROCEEDING SUCH  
AS SEC VS. CANADIAN JAVELIN, PANAMANIAN OFFICIALS  
WOULD BE FREE TO TAKE DEPOSITIONS IN THE UNITED STATES.

THE EMBASSY WISHES TO REITERATE TO THE MINISTRY THE  
CONSIDERABLE INTEREST OF THE GOVERNMENT OF THE UNITED  
STATES IN ENABLING THE SECURITIES AND EXCHANGE  
COMMISSION TO COMPLY WITH THE ORDER OF THE DISTRICT  
COURT AS DESCRIBED IN THE AMBASSADOR'S AFOREMENTIONED  
NOTE, AND RENEWS ITS HOPE FOR PROMPT AND FAVORABLE  
CONSIDERATION OF THIS REQUEST BY THE GOVERNMENT OF  
PANAMA.

THE EMBASSY OF THE UNITED STATES OF AMERICA TAKES  
THIS OPPORTUNITY TO RENEW TO THE MINISTRY THE ASSURANCES  
OF ITS HIGHEST CONSIDERATION. END TEXT.

2. AT TIME OF TRANSMITTAL OF NOTE, AND ON SEVERAL  
SUBSEQUENT OCCASIONS, EMBASSY HAS TELEPHONICALLY  
INQUIRED OF FOREIGN MINISTRY AS TO STATUS OF GOP  
CONSIDERATION OF THIS REQUEST. MINISTRY'S  
RESPONSE HAS BEEN THAT MATTER REMAINS  
UNDER STUDY, AND THEY WILL INFORM US AS SOON AS A  
DECISION HAS BEEN TAKEN.

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3. EMBASSY IS MAKING A FURTHER TELEPHONIC INQUIRY  
OF MINISTRY FEBRUARY 28.  
GONZALEZ

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FOREIGN INVESTMENTS, INVESTIGATIONS  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978PANAMA01348  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Subject:** SEC INVESTIGATION OF CANADIAN JAVELIN, LTD.  
**TAGS:** EFIN, PN, US, CANADIAN JAVELIN LTD  
**To:** STATE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014